

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

NATIONAL CREDIT UNION	)	CASE NO. 1:12-CV-00691
ADMINISTRATION BOARD, acting in its	)	
capacity as Liquidating Agent for St. Paul	)	JUDGE PATRICIA A. GAUGHAN
Croatian Federal Credit Union,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>PLAINTIFF'S APPLICATION FOR</u></b>
	)	<b><u>ENTRY OF DEFAULT</u></b>
SAKO SATKA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff, the National Credit Union Administration Board, acting in its capacity as Liquidating Agent for St. Paul Croatian Federal Credit Union (the "Liquidating Agent"), and respectfully requests that the Clerk of this Court issue an entry of default against Defendants: Celebrity Limousine; Mr. Aqua Limousine; Cinar Films; Buckeye Cartage Freight Lines; Play Magazine; Jay Kay Records; World International Pictures; New Majestic Charter Tours; Metropolitan Systems, Inc.; and Fashion of Cleveland (the "Defaulting Defendants").

The Liquidating Agent filed its First Amended Complaint against all named Defendants, including the Defaulting Defendants, on September 11, 2012. The Defaulting Defendants were served with a copy of the Summons and First Amended Complaint on September 18, 2012. *See*, Plaintiff's Notice of Service filed on September 25, 2012 [ECF #21]. To date, none of the

Defaulting Defendants have filed an answer or other responsive pleading. Nor have any of the Defaulting Defendants made any appearance in this lawsuit. As a result, the Liquidating Agent is entitled to an entry of default against the Defaulting Defendants.

The Clerk of Court may enter a default against a party who has not filed a responsive pleading or otherwise defended a lawsuit. *See*, Fed. R. Civ. P. 55(a); *New York Life Ins. Co. v. Brown* (5<sup>th</sup> Cir. 1996), 85 F. 3d 137, 141. Accordingly, the Clerk should enter a default against Defaulting Defendants because each has failed to answer the First Amended Complaint within 21 days of the date of service, as required by Fed. R. Civ. P. 12(a)(1)(A).

The Liquidating Agent meets the procedural requirements for obtaining an entry of default as demonstrated by the Certificate of Failure to Plead or Otherwise Defend, attached hereto as Exhibit A.

WHEREFORE, Plaintiff, the National Credit Union Administration Board, acting in its capacity as Liquidating Agent for St. Paul Croatian Federal Credit Union, respectfully requests that the Clerk issue an entry of default against Defendants: Celebrity Limousine; Mr. Aqua Limousine; Cinar Films; Buckeye Cartage Freight Lines; Play Magazine; Jay Kay Records; World International Pictures; New Majestic Charter Tours; Metropolitan Systems, Inc.; and Fashion of Cleveland. A proposed Entry of Default is submitted herewith as Exhibit B for the Clerk's convenience.

Respectfully submitted,

/s/ Walter A. Lucas

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Credit Union

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of December 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Walter A. Lucas

Walter A. Lucas, Esq. (0068150)